

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01161/FUL

Name and address for correspondence:	Applicant name:
Mr Subhan Saleem 64 Heaton Street Prestwich M25 1HH	Mr Farazan Karim

Part 1 - Particulars of Application

Date of Application: 12 January 2024

Proposal:	Erection of a two storey building to accommodate three commercial retail units on the ground floor (Use Class E (a) commercial retail units) together with five residential flats on the first floor including communal area
Location:	Land Adjacent To 5B-5C, Wood Street, Middleton, M24 4DH,

Part 2 Compliance with Conditions

It is YOUR responsibility to comply with planning conditions. The Council's Planning Enforcement Team is responsible for investigating alleged breaches of planning control. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration. In some cases, failure to comply with planning conditions can lead to the loss of the planning permission.

Part 3 - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans:-

Drawing No: Sheet 1 Rev A - Location Plan
Received 5th January 2024

Drawing No: Sheet 6 Rev C - Proposed 01 Plan [Proposed First Floor Plan]
Received 10th July 2024

Drawing No: Sheet 5 Rev E - Proposed 00 Plan [Proposed Ground Floor Plan]
Drawing No: Sheet 8 Rev E - Proposed Elevations
Drawing No: Sheet 9 Rev E - Proposed Elevations ii
Received 13th July 2024

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 No above ground works shall take place until such time as a detailed specification of materials to be used externally in the construction of the development have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and shall include large scale drawings of brickwork detailing and bonding where it is proposed at a scale not less than 1:20, full details of the front entrance, surrounds, depth of reveals, windows, window surrounds and doors. The development shall be carried out in accordance with the duly approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 4 Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) shall be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report shall be submitted to, and approved in writing by, the Local Planning Authority and shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed

process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 5 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The following details shall be provided:-

- (i) Construction details for permeable paving including kerbing and cross-section of open graded sub-base, if this type of paving forms part of the sustainable drainage system.
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD. Foul and surface water shall drain on separate systems. Surface water shall drain to the public surface water drain (sewer) and foul sewage shall connect to the combined sewer system.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 6 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- i (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company;

and

- ii (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime

of the development site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 7 No development (including any site clearance or preparation works) shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include details of the following matters:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the placement and appearance, and details of the maintenance of security hoarding;
- e. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;
- f. the provision of wheel washing facilities; and
- g. details of the proposed construction hours, including deliveries, which for the avoidance of doubt must not take place outside the hours of 08:00 Monday - Friday and 09:00-14:00 on Saturdays, with no work taking place on Sundays or Bank Holidays.

The approved method statement shall be adhered to throughout the construction period of the development.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G9 and T2 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the amenity of nearby residents and to highways and pedestrian safety and a scheme therefore needs to be agreed in advance of any works taking place.

- 8 The dwellings hereby approved shall be designed and constructed to ensure the following indoor noise levels are achieved:

- o 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Prior to the first occupation of each dwelling hereby approved, an acoustic verification report shall have been first submitted to, and approved in writing by, the Local Planning Authority, confirming that the above levels have been achieved.

Reason: To ensure a satisfactory standard of residential amenity with Policies DM1 and G9 of the Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 The development hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with of policies T2 and DM1 of the Core Strategy.

- 10 Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of refuse and recycling storage sufficient for the intended development has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before first occupation and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.

Reason: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy T2 of the Core Strategy, JP-C8 of PFE and the NPPF.

- 11 Prior to first occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected to the service area, shall be submitted to an approved in writing by the Local Planning Authority. Where appropriate the boundary treatment shall including the provision of mammal gaps. The boundary treatment shall be implanted in accordance with the approved plan before the development is occupied or otherwise in accordance with a timescale agreed in writing by the Local Planning Authority.

Reason: In order to protect the privacy of adjoining and future occupiers and in the interests of the visual amenity and the character of the area in accordance with Policies P3 and DM1 of the Rochdale Core Strategy and the Council's Guidelines and Standards for Residential Development SPD.

- 12 The development hereby approved shall not be brought into use until such time as details for the design of cycle stores has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved cycle stores shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for cycle storage and in the interests of visual amenity in accordance with Policies P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-C6 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 A Dilapidation Survey of the carriageway and footway shall be carried out before, during and after completion of the development hereby approved which shall be submitted to, and approved in writing by, the Local Planning Authority. Upon completion any damage evident to the adjacent highway shall be remediated to the same or better standard.

Reason: In the interest of highway safety and in accordance with Policy T2 of the Core Strategy, JP-C8 of PFE and the NPPF.

- 14 No occupation of any residential or commercial units hereby approved shall take place until such time as an external lighting scheme has been agreed and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented and maintained in working order for the lifetime of the development.

Reason: The ensure the safety of future occupiers and assist reducing crime and the fear of crime more generally, whilst minimising any potential amenity or environmental nuisance in accordance with policy DM1 of the adopted Rochdale Core Strategy, policy JP-P1 of the adopted Places for Everyone joint development plan and the National Planning Policy Framework.

- 15 No fixed plant, if proposed, shall be installed on the external fabric of the building until such time as a scheme has first been submitted to and approved in writing by the Local Planning Authority. Any submission shall include a Noise Impact Assessment of the proposed fixed plant which shall be carried out in accordance with BS4142:2012 (or any subsequent replacement national standard hereto).

The approved plant shall be installed in accordance with the recommendations of the approved assessment and shall be maintained thereafter in order to ensure that it operates to the same standard as approved.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 16 No security shutters, if proposed, shall be installed until such time as large-scale details of any proposed security shutters, at a scale of not less than 1:50, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a specification of the shutter including detail of its materiality, colour treatment and a cross section showing the installation of the shutter. For the avoidance of doubt, any installed security shutters must be internally housed and positioned, which may need to be reflected in the construction design. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of ensuring that development is well-designed in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 17 The commercial component of the development in Use Class E (a) hereby approved shall not be operated outside the hours of 07:00-23:00 Monday to Saturday and 07:00-21:00 Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and in accordance with policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 There shall be no deliveries during the operational phase of the commercial element of the development hereby approved outside of the hours of 09:00 - 18:00 Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby residential occupants in accordance with policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 19 The communal space shall only be used by the residents of the dwellings hereby approved and shall only be used for purposes ancillary to the residential use and not for any other purpose.

Reason: To protect the amenity of residents and to ensure the communal space remains ancillary to the residential use in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the Council's SPD.

- 20 Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the premises shall be used for Class E(a) and for no other purpose (including any other purpose in the same Use Class of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: Another alternative use of the premises which may otherwise be permitted by virtue of the above Orders could be harmful to highway safety, residential amenity or town centre uses in accordance with Policies E1, DM1 and T2 of the adopted Core Strategy and the NPPF.

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 17 February 2025

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £43.00 for householder applications and £145.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk) In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

The applicant is advised that any signage proposed to the building will require separate advertisement consent.